

cc: KSC

ORIGINAL

JACK SCHWEIGERT, #1560
550 HALEKAUWILA STREET, Room 309
HONOLULU, HAWAII 96813
TELEPHONE NO. 533-7491

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

ARTHUR E. ROSS, #1005
226 Queen Street, Suite 210
HONOLULU, HAWAII 96813
TELEPHONE NO. 52-4343

MAR 15 2006
at 2 o'clock and 23 min. PM
SUE BEITIA, CLERK

RORY SOARES TOOMEY, #2323
1088 BISHOP STREET, SUITE 1004
HONOLULU, HAWAII 96813
TELEPHONE NO. 533-7162

Attorneys for Plaintiff
OFELIA COLOYAN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN

Plaintiff,

vs.

WILLIAM BADUA, JEFFERY
OMAI; SPENCER ANDERSON;
NEIL PANG; and DOES 5-10

Defendants.

)
) CIVIL NO. 03-00476-KSC
)
) NOTICE OF FILING PLAINTIFF'S
) SUPPLEMENTAL JURY
) INSTRUCTION; CERTIFICATE OF
) SERVICE
)
)
)
)
) Trial is set for March 14, 2006.
)

NOTICE OF FILING PLAINTIFF'S PROPOSED SUPPLEMENTAL JURY

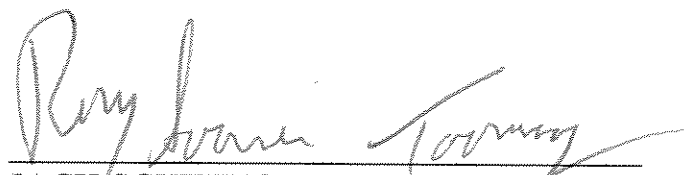
INSTRUCTION

Ofelia Coloyan Plaintiff above-named by and through her attorneys Jack Schweigert, Esq., Arthur E. Ross, Esq. and Rory Soares Toomey, Esq. submit three proposed supplemental jury instruction which have not been agreed to by the parties.

The Plaintiff reserves his right to withdraw any proposed instruction, to add new instructions, and/or to amend any proposed instruction. By submitting these proposed instructions, the Plaintiff does not admit or concede that any particular issue is, or may be properly submitted to the jury, nor dose the Plaintiff does not admit or concede that any particular issue is a jury issue as opposed to a matter to be decided by the Court.

Nothing in these instructions constitutes consent by the Plaintiff to try any issue raised in the pleadings.

DATED: Honolulu, Hawaii, March 15, 2006



JACK SCHWEIGERT
ARTHUR E. ROSS
RORY SOARES TOOMEY
Attorneys for Plaintiff
OFELIA COLOYAN

Plaintiff's Proposed Jury Instruction No. 16

Fourth Amendment protection against unreasonable searches extends to to curtilage around one's home.

CITED United States v. Johnson, 256 F. 3d 895 (9th Cir. 2001)

_____ Given as Requested
_____ Given as Modified
_____ Refused
_____ Withdrawn

Over objection of:

_____ Plaintiff
_____ Defendants

Plaintiff's Proposed Jury Instruction No. 17

Factors to be considered in determining if an unreasonable search took place within curtilage of Plaintiff's residence are: (1) proximity to Plaintiff's home of area being searched; (2) whether area is included in an enclosure surrounding plaintiff's home; (3) nature and use to which area is being put; and (4) steps taken by plaintiff to protect area from observation by people passing by.

CITED United States v. Johnson, 256 F. 3d 895 (9th Cir. 2001)

_____ Given as Requested
_____ Given as Modified
_____ Refused
_____ Withdrawn

Over objection of:

_____ Plaintiff
_____ Defendants

Plaintiff's Proposed Jury Instruction No. 18

The indictment against Allan Coloyan is simply the description of the charges made by the government against him; it is not evidence of anything.

CITE: Section 1.2 Ninth Circuit Manual of Modern Jury Instruction
(2003) **CRIMINAL** (modified)

_____ Given as Requested
_____ Given as Modified
_____ Refused
_____ Withdrawn

Over objection of:
_____ Plaintiff
_____ Defendants

IN THE UNITED STATES DISTRICT COURT

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Plaintiff,

vs.

WILLIAM BADUA, JEFFERY
OMAI; SPENCER ANDERSON;
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Defendants.

CIVIL NO. 03-00476-KSC

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

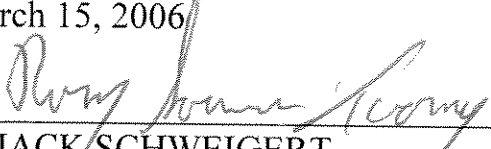
I **HEREBY CERTIFY** that on March 15, 2006, a copy of the attach
document was served upon:

KENDRA K. KAWAI
550 S. KING ST., Rm 110
HONOLULU, HAWAII

☒ HAND DELIVERED
☐ UNITED STATES MAIL, first class
Postage prepaid

Attorney for Defendants
WILLIAM BADUA; SPENCER
ANDERSON, NEIL PANG

DATED: Honolulu, Hawaii, March 15, 2006



JACK SCHWEIGERT
ARTHUR E. ROSS
RORY SOARES TOOMEY
Attorneys for Plaintiff
OFELIA COLOYAN